

Senate File 578 - Introduced

SENATE FILE 578

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 359)

(SUCCESSOR TO SSB 1121)

A BILL FOR

1 An Act relating to the powers and duties of the department of
2 agriculture and land stewardship, including by providing for
3 administration, programs, and regulations, providing fees,
4 providing penalties, and making penalties applicable.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

DEPARTMENTAL ORGANIZATION

Section 1. Section 159.5, subsection 7, Code 2021, is amended to read as follows:

~~7. Establish and maintain a marketing news service bureau in the department which shall, in cooperation with the federal market news and grading division~~ Cooperate with the agricultural marketing service of the United States department of agriculture, to collect and disseminate data and information relative to the market prices and conditions of agricultural products raised, produced, and handled in the state.

DIVISION II

ANIMALS

PART A

COMMERCIAL ESTABLISHMENTS

Sec. 2. Section 162.2A, subsection 3, paragraph d, Code 2021, is amended by striking the paragraph.

PART B

FOREIGN ANIMAL DISEASE CONTROL

Sec. 3. Section 22.7, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 39A. Information related to the registration and identification of any premises where animals are kept as authorized pursuant to the foreign animal disease preparedness and response strategy as provided in section 163.3C.

Sec. 4. Section 163.3C, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 3. a. In developing and establishing a foreign animal disease preparedness and response strategy, the department may collect, maintain, and use information related to the registration and identification of any premises where animals are kept. The information may include but is not limited to all of the following:

- (1) The name, address, and contact information of an

1 interested person.

2 (2) The location of the premises where the animals are kept.

3 (3) An identification number assigned to the premises where
4 the animals are kept.

5 *b.* The information described in paragraph "a" is a
6 confidential record as provided in section 22.7. Nothing
7 in this subsection limits the department in acting as the
8 lawful custodian of the confidential record from disclosing
9 the record or any part of the record to another person if the
10 department determines that such disclosure will assist in
11 implementing, administering, or enforcing the foreign animal
12 disease preparedness and response strategy.

13 DIVISION III

14 COMMODITY PRODUCTION AND SALE

15 PART A

16 FARM-TO-SCHOOL ACT

17 Sec. 5. Section 190A.1, Code 2021, is amended by striking
18 the section and inserting in lieu thereof the following:

19 **190A.1 Short title.**

20 This chapter shall be known and may be cited as the
21 "*Farm-to-School Act*".

22 Sec. 6. NEW SECTION. **190A.2 Definitions.**

23 As used in this subchapter, unless the context otherwise
24 requires:

25 1. "*Department*" means the department of agriculture and land
26 stewardship.

27 2. "*Food animal*" means an animal belonging to the bovine,
28 caprine, ovine, or porcine species; turkeys, chickens, or other
29 types of poultry; farm deer as defined in section 170.1; fish
30 or other aquatic organisms confined in private waters for human
31 consumption; or bees.

32 3. "*Food commodity*" means any of the following:

33 *a.* A food animal.

34 *b.* An item regularly generated by a food animal, including
35 milk, eggs, or honey, that has been collected, and that is to

1 be processed into a food product.

2 c. Sap or whole produce, including vegetables or fruit,
3 that has been harvested and that is to be processed into a food
4 product.

5 4. "*Food product*" means a perishable or nonperishable
6 product derived from processing a food commodity to be fit for
7 human consumption, including but not limited to pasteurized
8 milk or dairy products, washed shelled eggs, cut and washed
9 produce, honey, maple syrup, unshelled or shelled nuts, cuts of
10 meat or poultry, or cuts of fish or shelled aquatic items.

11 5. "*Fund*" means the farm-to-school fund created in section
12 190A.5.

13 6. "*Process*" means to prepare a food commodity in a manner
14 that allows it to be sold to consumers as a food product,
15 including by altering the form or identity of the commodity;
16 trimming, cutting, cleaning, drying, filtering, sorting, or
17 shelling the commodity; or packaging the commodity.

18 7. "*Program*" means the farm-to-school program created in
19 section 190A.6.

20 8. "*School*" means a public school or nonpublic school, as
21 those terms are defined in section 280.2, or that portion of a
22 public school or nonpublic school that provides facilities for
23 teaching any grade from kindergarten through grade twelve.

24 9. "*School district*" means a school district as described
25 in chapter 274.

26 Sec. 7. Section 190A.3, subsection 1, Code 2021, is amended
27 to read as follows:

28 1. The farm-to-school program shall seek to link elementary
29 and secondary public and nonpublic schools in this state
30 with Iowa farms to provide schools with ~~fresh and minimally~~
31 processed wholesome, locally produced food for inclusion in
32 school meals and snacks, encourage children to develop healthy
33 eating habits, and provide Iowa farmers access to consumer
34 markets.

35 Sec. 8. NEW SECTION. 190A.5 **Farm-to-school fund.**

1 1. A farm-to-school fund is created in the state treasury
2 under the management and control of the department.

3 2. The fund shall include moneys appropriated to the fund
4 by the general assembly. The fund may include other moneys
5 available to and obtained or accepted by the department,
6 including moneys from public or private sources.

7 3. Moneys in the fund are appropriated to support the
8 program in a manner determined by the department, including for
9 reasonable administrative costs incurred by the department.
10 Moneys expended from the fund shall not require further special
11 authorization by the general assembly.

12 4. *a.* Notwithstanding section 12C.7, interest or earnings
13 on moneys in the fund shall be credited to the fund.

14 *b.* Notwithstanding section 8.33, moneys credited to the
15 fund that remain unencumbered or unobligated at the end of a
16 fiscal year shall not revert but shall remain available for the
17 purposes designated.

18 Sec. 9. NEW SECTION. 190A.6 **Farm-to-school program.**

19 1. A farm-to-school program is created. The program shall
20 be controlled and administered by the department.

21 2. The purpose of the program is to assist schools and
22 school districts in purchasing food products derived from food
23 commodities produced on a farm.

24 3. The department shall reimburse a school or school
25 district for expenditures incurred by the school or school
26 district during the school year in which the school or school
27 district is participating in the program to purchase food
28 products derived from food commodities produced on a farm.

29 4. A school or school district must apply each year to the
30 department to participate in the program according to rules
31 adopted by the department pursuant to chapter 17A.

32 5. To be eligible to participate in the program, a school or
33 school district must purchase a food product directly from a
34 farm source as follows:

35 *a.* The farm source must be any of the following:

1 (1) A farm where a food commodity is produced, if the food
2 commodity is processed into a food product on the farm for sale
3 to a consumer.

4 (2) A business premises that is directly shipped a food
5 commodity from a farm, if the food commodity is processed into
6 a food product on the business premises for sale to a consumer.

7 (3) A business premises that is directly shipped a food
8 product from a farm, if the food product is purchased for
9 resale to a consumer or is distributed to a consumer on behalf
10 of a farmer.

11 b. The farm source must comply with all applicable laws
12 regulating the sale of food.

13 c. The farm source must be located within thirty miles of
14 the school or the school district's border.

15 6. The department shall require proof of purchase prior to
16 reimbursing the school or school district for the purchase of
17 food products.

18 7. The department may administer the program in cooperation
19 with the department of education and the participating school
20 or school district in which a participating school is located.

21 8. a. The department shall reimburse a participating
22 school or school district that submits a claim as required
23 by the department. The department shall pay the claim on a
24 matching basis with the department contributing one dollar
25 for every three dollars expended by the school or school
26 district. However, a school or school district shall not
27 receive more than one thousand dollars during any year in which
28 it participates in the program.

29 b. Notwithstanding paragraph "a", if the department
30 determines that there are sufficient moneys in the fund to
31 satisfy all claims that may be submitted by schools and school
32 districts, the department shall provide for the distribution
33 of the available moneys in a manner determined equitable by
34 the department, which may include a prorated distribution to
35 participating schools and school districts.

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PART B

FERTILIZERS AND SOIL CONDITIONERS

Sec. 10. Section 200.3, subsection 24, Code 2021, is amended by striking the subsection.

Sec. 11. Section 200.14, Code 2021, is amended to read as follows:

200.14 Rules.

1. a. ~~The secretary is authorized, after public hearing, following due notice, to~~ department may adopt rules setting forth pursuant to chapter 17A providing minimum general safety standards for the design, construction, location, installation, and operation of equipment for storage, handling, transportation by tank truck or tank trailer, and utilization of anhydrous ammonia fertilizers and soil conditioners.

~~a.~~ b. The rules shall be such as are reasonably necessary for the protection and safety of the public and persons using anhydrous ammonia fertilizers or soil conditioners, and shall be in substantial conformity with the generally accepted standards of safety.

~~b.~~ ~~Rules that are in substantial conformity with the published standards of the agricultural ammonia institute for the design, installation and construction of containers and pertinent equipment for the storage and handling of anhydrous ammonia, shall be deemed to be in substantial conformity with the generally accepted standards of safety.~~

~~2.~~ c. Anhydrous ammonia Fertilizer and soil conditioner equipment shall be installed and maintained in a safe operating condition and in conformity with rules adopted by the secretary department.

~~3.~~ 2. The secretary shall enforce ~~this chapter~~ and, after ~~due publicity and due public hearing,~~ department may adopt such reasonable rules as may be necessary in order to carry into effect the purpose, ~~and intent~~ and to secure the efficient administration, of this chapter.

~~4.~~ 3. This chapter does not prohibit the use of storage

1 tanks smaller than transporting tanks nor the transfer of all
2 kinds of ~~fertilizer including anhydrous ammonia~~ fertilizers
3 or soil conditioners directly from transporting tanks to
4 implements of husbandry, if proper safety precautions are
5 observed.

6 DIVISION IV
7 WEIGHTS AND MEASURES
8 PART A
9 GENERAL

10 Sec. 12. Section 214.1, Code 2021, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 6. "*Weighmaster*" means a person who keeps
13 and regularly uses a commercial weighing and measuring device
14 to accurately weigh objects for others as part of the person's
15 business operated on a profit, cooperative, or nonprofit basis.

16 Sec. 13. Section 214.3, subsection 1, Code 2021, is amended
17 to read as follows:

18 1. ~~The A license issued by the department for the inspection~~
19 ~~of a commercial weighing and measuring device shall expire on~~
20 ~~December 31 of each year, and for a motor fuel pump on June 30~~
21 ~~of each year. The amount of the fee due for each license shall~~
22 ~~be as provided in subsection 3, except that the fee for a motor~~
23 ~~fuel pump shall be four dollars and fifty cents if paid within~~
24 ~~one month from the date the license is due.~~

25 Sec. 14. Section 214.3, subsection 3, paragraph e,
26 subparagraph (2), Code 2021, is amended to read as follows:

27 (2) Retail motor fuel pump, nine four dollars and fifty
28 cents.

29 Sec. 15. Section 214.4, subsection 1, unnumbered paragraph
30 1, Code 2021, is amended to read as follows:

31 If the department does not receive payment of the license
32 fee required pursuant to section 214.3 within one month from
33 the due date, the department shall ~~send~~ deliver a notice to
34 the owner or operator of the device. ~~The notice shall be~~
35 ~~delivered by certified mail.~~ The notice shall state all of the

1 following:

2 Sec. 16. Section 214.6, Code 2021, is amended to read as
3 follows:

4 **214.6 Oath Duties of ~~weighmasters~~ weighmaster.**

5 ~~All persons keeping a commercial weighing and measuring~~
6 ~~device, before entering upon their duties as weighmasters, A~~
7 ~~weighmaster shall be sworn before some person having authority~~
8 ~~to administer oaths, to keep their~~ ensure that a commercial
9 weighing and measuring device is correctly balanced, to make
10 true weights, and ~~to~~ shall render a correct account to the
11 person having weighing done.

12 Sec. 17. Section 214.11, Code 2021, is amended to read as
13 follows:

14 **214.11 Inspections — recalibrations — penalty.**

15 1. The department shall provide for annual inspections
16 of all motor fuel pumps, including but not limited to motor
17 fuel blender pumps, licensed under [this chapter](#). Inspections
18 shall be for the purpose of determining the accuracy ~~of the~~
19 ~~pumps' measuring mechanisms, and for such~~ and correctness of
20 motor fuel pumps. For that purpose the department's inspectors
21 may enter upon the premises of any wholesale dealer or retail
22 dealer, ~~as they are defined in [section 214A.1](#), of motor fuel~~
23 ~~or fuel oil within this state.~~

24 2. Upon completion of an inspection, the inspector shall
25 affix the department's seal to the measuring mechanism of the
26 motor fuel pump. The seal shall be appropriately marked,
27 dated, and recorded by the inspector. If the owner of an
28 inspected and sealed motor fuel pump is registered with the
29 department as a servicer in accordance with [section 215.23](#),
30 or employs a person so registered as a servicer, the owner
31 or other servicer may open the motor fuel pump, break the
32 department's seal, recalibrate the measuring mechanism if
33 necessary, and reseal the motor fuel pump as long as the
34 department is notified of the recalibration within forty-eight
35 hours, ~~on a form~~ in a manner provided by the department.

1 ~~189~~, if the person does any of the following apply:

2 ~~1. a. The person sells~~ Sells, trades, delivers, charges
3 for, or claims to have delivered to a purchaser an amount
4 of any commodity which is less in weight or measure than
5 that which is asked for, agreed upon, claimed to have been
6 delivered, or noted on the delivery ticket.

7 ~~2. b. The person makes~~ Makes a settlement for or enters
8 a credit, based upon any false weight or measurement, for any
9 commodity purchased.

10 ~~3. c. The person makes~~ Makes a settlement for or enters
11 a credit, based upon any false weight or measurement, for any
12 labor where the price of producing or mining is determined by
13 weight or measure.

14 ~~4. d. The person records~~ Records a false weight or
15 measurement upon the weight ticket or book.

16 2. The department may adopt rules pursuant to chapter 17A
17 that allow for reasonable variations and exceptions for small
18 packages.

19 3. A person who violates this section is guilty of a simple
20 misdemeanor.

21 Sec. 22. Section 215.23, Code 2021, is amended to read as
22 follows:

23 **215.23 Servicer's license.**

24 ~~1. A servicer shall not install, service, or repair a~~
25 ~~commercial weighing and measuring device until the servicer~~
26 ~~has demonstrated that the servicer has available adequate~~
27 ~~testing equipment, and that the servicer possesses a working~~
28 ~~knowledge of all devices the servicer intends to install or~~
29 ~~repair and of all appropriate weights, measures, statutes, and~~
30 ~~rules, as evidenced by passing a qualifying examination to~~
31 ~~be conducted by the department and obtaining a license. The~~
32 ~~secretary of agriculture shall establish by rule pursuant to~~
33 ~~chapter 17A, requirements for and contents of the examination.~~
34 The department may adopt rules pursuant to chapter 17A setting
35 forth qualification requirements for persons applying for a

1 servicer's license, including an examination.

2 2. In determining ~~these~~ a servicer's qualifications, the
3 ~~secretary shall~~ department may consider the specifications
4 of the United States national institute of standards and
5 technology, handbook 44, "Specifications, Tolerances, and
6 Technical Requirements for Weighing and Measuring Devices",
7 or the current successor or equivalent specifications adopted
8 by the United States national institute of standards and
9 technology.

10 3. The ~~secretary shall~~ department may require an ~~annual~~ the
11 payment of a license fee of not more than five dollars for an
12 amount established by rule for each license issued under this
13 section.

14 4. Each A license shall expire ~~one year~~ two years from its
15 date of issuance.

16 Sec. 23. REPEAL. Sections 215.3 and 215.8, Code 2021, are
17 repealed.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 GENERAL. This bill amends, enacts, or repeals a number
22 of provisions administered or regulated by the department of
23 agriculture and land stewardship (DALs) as codified in Title V
24 of the Code, including in subtitle 1, which includes a number
25 of general provisions, subtitle 2, which includes provisions
26 regulating animal industry, and subtitle 4, which provides for
27 agricultural commodities and products in addition to related
28 activities.

29 SUBTITLE 1 — ADMINISTRATION. The bill eliminates a
30 requirement that DALs maintain a marketing news service
31 bureau, but retains a requirement that it cooperate with the
32 agricultural marketing service of the United States department
33 of agriculture (Code section 159.5).

34 SUBTITLE 2 — COMMERCIAL ESTABLISHMENTS. The bill
35 eliminates a requirement that an application form for the

1 issuance or renewal of an authorization to operate a commercial
2 establishment include the applicant's identification number,
3 which may be a tax identification number.

4 ANIMAL DISEASE CONTROL. The bill amends provisions
5 establishing the foreign animal disease preparedness and
6 response strategy (Code section 163.3C). The bill authorizes
7 DALs to collect, maintain, and use information related to the
8 registration and identification of any premises where animals
9 are kept. The information is a confidential record under
10 Iowa's open records law (Code section 22.7).

11 SUBTITLE 4 — FARM-TO-SCHOOL PROGRAM. The bill amends
12 provisions creating a farm-to-school program administered by
13 DALs under Code chapter 190A. The program assists schools
14 and school districts in purchasing food products derived from
15 food commodities produced on a farm and either processed on
16 the farm or processed at a business premises (referred to
17 as a farm source) located within 30 miles of the school or
18 school district's borders. A food product is a perishable or
19 nonperishable product derived from processing a food commodity
20 including pasteurized milk or dairy products, washed shelled
21 eggs, cut and washed produce, honey, maple syrup, unshelled
22 or shelled nuts, cuts of meat or poultry, or cuts of fish or
23 shelled aquatic items. DALs may reimburse a school or school
24 district for expenditures for such products to the extent
25 moneys are available to support the program. The available
26 moneys would be allocated during the school year on a matching
27 basis, subject to a \$1,000 cap. The bill also creates a
28 farm-to-school fund to support the program.

29 FERTILIZERS AND SOIL CONDITIONERS. The bill authorizes DALs
30 to adopt rules regulating the design, construction, location,
31 installation, and operation of equipment associated with
32 the use of fertilizers and soil conditioners (Code sections
33 200.3 and 200.14). Current law allows DALs to adopt such
34 rules regulating anhydrous ammonia equipment. The bill also
35 eliminates a requirement that such rules be in conformity with

1 the published standards of the agricultural ammonia institute.
2 A person violating such rules is guilty of a simple misdemeanor
3 (Code section 200.18).

4 WEIGHTS AND MEASURES (GENERAL). The bill amends a number
5 of provisions regulating weights and measures, including the
6 inspection of associated devices. The bill reduces the fee
7 for the inspection of motor fuel pumps from \$9 to \$4.50 (the
8 same amount due under current law if the inspection fee is paid
9 early) (Code section 214.3). The bill no longer requires that
10 DALS deliver a late payment notice to an owner or operator of
11 a device by certified mail (Code section 214.4). The bill
12 eliminates a requirement that a weighmaster (a person who keeps
13 and uses a device as part of a business) must take an oath (Code
14 sections 214.1 and 214.6).

15 WEIGHTS AND MEASURES (MOTOR FUEL). The bill revises
16 requirements for the labeling of kerosene (Code section
17 214A.2A). The bill also repeals a provision prohibiting a
18 person from placing gasoline into a receptacle, unless the
19 receptacle states a warning (Code section 214A.15).

20 WEIGHTS AND MEASURES (INSPECTIONS). The bill provides that
21 DALS may but is no longer required to charge a license fee for
22 a device that has been taken out of service due to a repair
23 and reinspected (Code section 215.4). The bill allows DALS
24 to make an exception in a case where a commercial transaction
25 involves a small package, and the person would otherwise be
26 guilty of a simple misdemeanor because the person stated
27 a false weight or measure (Code section 215.7). The bill
28 provides for the regulation of a servicer (a person employed
29 to install, service, or repair a device), by eliminating
30 an examination requirement and allowing DALS to require
31 qualification standards which may include an examination
32 (Code sections 215.1 and 215.23). The bill provides for a
33 two-year rather than annual servicer license and allows DALS to
34 establish the license fee. The annual license fee is currently
35 \$5. The bill eliminates a provision that allows DALS to charge

1 a complaining party an inspection fee, if the complaint was
2 unfounded (Code section 215.3). The bill repeals a provision
3 that authorizes DALs to establish reasonable variances in the
4 weighing and measuring of small packages (Code section 215.8).
5 That qualification is incorporated in the amendments to the
6 provision regulating small package transactions (Code section
7 215.7).

8 CRIMINAL PENALTIES. A simple misdemeanor is punishable by
9 confinement for no more than 30 days or a fine of at least \$105
10 but not more than \$855 or by both.